

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINDON DIVISION**

**CRIMINAL MINUTES – MOTION HEARING AND JURY TRIAL**

Day 8

**Case No.: 1:17CR00027**

**Date: 5/8/2019**

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**Defendant: Joel A. Smithers / Bond**

**Counsel: Donald Williams, Jr. / Appointed**

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PRESENT:	JUDGE:	James P. Jones, USDJ
	Deputy Clerk:	Lottie Lunsford
	Court Reporter:	Donna Prather, OCR
	U. S. Attorney:	Randy Ramseyer, Zachary T. Lee, Cagle Juhan
	USPO:	N/A
	Case Agent:	Michael Patrick Long, DEA
	Interpreter:	N/A

Time In Court: 9:02– 10:28 a. m.; 10:41-12:43 p. m.; 4:16-4:19 p. m; 5:02-5:09 p. m.

Total Time: 3 hours and 38 minutes

Parties present and ready to proceed with day eight of jury trial.

Defense requests to delay the start of trial for a witness from West Virginia. Government opposes request as stated. Court denies request as stated from the bench.

Court reviews jury instructions with counsel.

Defendant renews motion for judgmental of acquittal as stated. Court will consider motion as to Count 1 depending on the verdict of the jury as stated. Court denies motion otherwise as stated

14 jurors returning.

Defendant rests at 9:20 a. m. No rebuttal evidence.

Closing Arguments begun. Court recesses. Court reconvenes.

Government moves to withdraws exhibit TW2 – Physical Evidence / Prescriptions from Patient file of Thomas Wiley. Court grants motion

Jurors return to the courtroom.

Closing arguments conclude at 12:08 p. m.

Jury Instructions given to Jury

Jurors removed.

No Objections to Jury Instructions that were not previously made.

Alternate jurors removed.

Jurors go to lunch at 12:40.

Jury return to begin deliberations at 1:40 p. m.

Court reconvenes with a jury question re: opening evidence bags. Question filed. Court directs government to unseal all evidence bags for jurors. Evidence returned to jury.

Court adjourns for the day to reconvene at 9:00 a. m. on 5/9/2019.